

ER-7-4338

MEMORANDUM FOR: General Counsel

13 September 1955

SUBJECT : Plan for Technical Panel for Test Inspection of Armaments

1. As part of the development of U.S. strategy and tactics in the current meeting of the UN Subcommittee on Disarmament, a proposal has been readied which would provide for the appointment by the Subcommittee of a Technical Panel to study inspection methods and to undertake test inspections of selected facilities in the United States and the USSR. This plan was initially presented in a position paper on Technical Panel Exchange, number DCS/5, dated 19 August 1955. The JCS, as its comment on this proposal has submitted a draft revision of this position paper which now appears as document DCS/5-b, dated 2 September 1955.

2. The proposal has been under study by the Department of Justice in order to determine whether the action called for by an agreement along these lines between the US and the USSR, having only the status of an executive agreement, would be legal. The proposal raises obvious questions as to the power of the President to open certain restricted and military facilities to inspection without Congressional action. The ingenious lawyers in the Department of Justice have already conjured up legal problems having to do with the right of the U.S. Government to open to foreign inspection such privately owned facilities as railroads and port installations.

3. After wrestling with these weighty questions, the Department of Justice produced a letter to Mr. Stassen stating that they probably could never make up their minds and certainly could not do so until a number of agencies had written legal opinions on the proposal as it affected their several activities. The CIA was listed as one of these agencies.

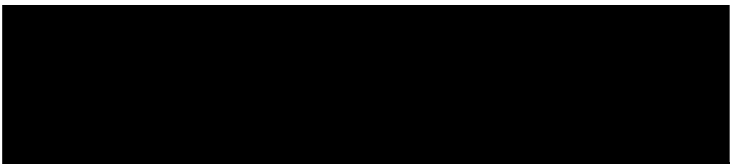
4. I believe that Mr. Matteson of Harold Stassen's staff is going to organize one or more meetings, to be held in the Department of Justice, between the Justice Department lawyers and those of the AEC, DOD and State Department. It may be that representation from this Agency will be

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requested and you should be aware that you may receive such a request direct or through me. Even if you do not, I believe someone in your office should work over the two alternative texts of the proposal and decide whether you wish to be heard on the legal question.

5. These documents are now available in my office. I hope shortly to have a copy of the Department of Justice letter. I rather doubt if you will be much interested in this matter.

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Special Assistant to the Director
for Planning and Coordination